

REMARKS

Claims 1-10 are all the claims pending in the application. The pending claims are rejected for the same reasons set forth in the previous Office Action. That is, claims 1, 5, 6, and 10 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bauchot (U.S. Patent No.: 5,970,602). Claims 2, 4, 7, and 9 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauchot in view of Kalliokulju et al. (U.S. Patent No.: 6,553,006), hereinafter referred to as Kalliokulju. Finally, claims 3 and 8 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauchot in view of Kalliokulju and Montpetit (U.S. Patent No.: 6,366,761).

§ 102(e) Rejections (Bauchot) - Claims 1, 5, 6 and 10

Claims 1, 5, 6, and 10 are rejected for the same reasons set forth in the previous Office Action, and the Examiner adds new arguments in the *Response to Arguments* section of the present Office Action, starting on page 11.

In the *Response to Arguments* section, on page 11, the Examiner alleges, with respect to claim 1:

The applied reference Bauchot teaches of transmitting *bandwidth* reservation requests for UP_RESERVED (or Contention Free Period) of data transfer (see col. 6, lines 29-67) for allocation of bandwidth by the Access Point to the mobile terminals Bandwidth directly relates to transmission rate or baud rate for data transfer which is the reasoning for inherency, where in the art bandwidth is measured in - cycles per second (hertz) or bits per second (bps). The bandwidth is the rate at which the data is transferred between the Access Point and mobile terminals.

In response, Applicants submit that even if, *assuming arguendo*, Bauchot teaches transmitting bandwidth reservation requests for an UP_RESERVED period (or Contention Free

Period), such transmission of bandwidth reservation request does not necessarily involve the receipt of a transmission rate corresponding to a desired contention free period of data. A reservation request, as set forth in Bauchot, could involve simply requesting a reservation without the transmission of a transmission rate. Therefore, even though bandwidth relates to transmission rate or baud rate, a transmission of a bandwidth reservation request does not inherently teach or suggest receiving a transmission rate corresponding to a desired contention free period of data, as set forth in claim 1.

With respect to the argument in numbered paragraph 6, bridging pages 11 and 12 of the Office Action, Applicants submit that Bauchot does not teach or suggest accessing a rate of contention free period occupancy of said at least one wireless communication in the fixed bandwidth, based on the received transmission rate, because, as set forth in the previous paragraph, Bauchot does not even teach or suggest receiving a transmission rate.

Applicants maintain that dependent claim 5 is patentable at least by virtue of its dependency from independent claim 1.

In response to the arguments made with respect to claim 6 in numbered paragraph 8 on page 12 of the Office Action, Applicants submit that the limitation mentioned in that paragraph is not taught or suggested by Bauchot at least based on reasons similar to those set forth above. With respect to dependent claim 10, Applicants submit that this claim is patentable at least by virtue of its dependency from independent claim 6.

§ 103(a) Rejections (Bauchot/Kalliokulju) - Claims 2, 4, 7, and 9

Claims 2, 4, 7, and 9 remain rejected under 35 U.S.C. § 103(a) for the same reasons set forth in the previous Office Action, and the Examiner adds new arguments in the *Response to Arguments* section of the present Office Action.

First, Applicants maintain that dependent claims 2, 4, 7 and 9 are patentable at least by virtue of their respective dependencies from independent claims 1 and 6. Kalliokulju does not make up for the deficiencies of Bauchot.

Further, as indicated in numbered paragraph 10 on page 13 of the present Office Action, the Examiner appears to believe that Applicants were simply attacking the applied references individually on page 10 of the Amendment filed on May 24, 2004. However, Applicants submit that it was only argued that there was no teaching, suggestion, or motivation in the reference(s) or the knowledge in the art itself to combine Bauchot with Kalliokulju, to arrive at the present invention. In the paragraph that discussed this lack of teaching, suggestion or motivation, the individual references were only mentioned to show their teachings, and to show that the applied references relate to two different types of environments, such that one skilled in the art would not have been led to combine one with the other.

Therefore, at least based on the foregoing as well as previously submitted arguments, Applicants maintain that claims 2, 4, 7, and 9 are patentable over Bauchot and Kalliokulju.

§ 10(a) Rejections (Bauchot / Kalliokulju / Montpetit) - Claims 3 and 8

Claims 3 and 8 remain rejected for the same reasons set forth in the previous Office Action, and the Examiner adds new arguments with respect to these claims in numbered paragraph 11 on page 13 of the present Office Action.

First, Applicants maintain that dependent claims 3 and 8 are patentable at least by virtue of their respective dependencies from independent claims 1 and 6, respectively. Neither Kalliokulju nor Montpetit makes up for the deficiencies of Bauchot.

Further, in response to the Examiner's assertions in numbered paragraph 11, Applicants submit that, to the extent that individual references were mentioned in the arguments submitted in the Amendment of May 24, 2004, such mention of the individual references were only made to illustrate that the respective references are each directed to different types of communication networks that have unrelated issues and problems that need to be overcome, and therefore one skilled in the art would not have been led to combine the applied references.

At least based on the foregoing as well as previously submitted arguments, Applicants maintain that claims 3 and 8 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/915,766

ATTORNEY DOCKET NO. Q63182

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373
CUSTOMER NUMBER

Date: October 28, 2004